

COURT OF THE CITY OF NEW YORK  
OUNTY OF NEW YORK

-----X  
358 BROADWAY REALTY, LLC,

Petitioner-Landlord,

- against -

DEVA GINSBERG &  
ASHLEY GRANATA  
358 Broadway, Apt. #3A  
New York, New York 10013

Index No. L&T 077240/07

NOTICE OF PETITION

(Residential Holdover)

Respondent-Tenant,

"JOHN/JANE DOE"

Respondents-Undertenants.

-----X

To the Respondents above named and described, in possession of the Premises hereinafter described or claiming possession thereof:

**PLEASE TAKE NOTICE** that a hearing at which you must appear will be held at the Civil Court of the City of New York, County of New York, Part H, Room 1164B, 111 Centre Street, County, City and State of New York, on July 18, 2007, at 9:00 AM clock in the forenoon of that day, on the annexed Petition of **358 BROADWAY REALTY, LLC.**, verified on July 1, 2002, which prays for a final judgment of eviction, awarding to Petitioner the possession of the Premises described as follows: **Apartment #3A**, all rooms, in the Premises known as and located at **358 Broadway, New York, New York 10013**, as demanded in the Petition, which you must answer. Your Answer may set forth any defense or counterclaim against the Petitioner, unless precluded by law or by prior agreement between the parties.

**PLEASE TAKE FURTHER NOTICE**, that demand is made in the Petition herein for judgment against you for the reasonable value of use and occupancy of the subject Premises, and reasonable attorney's fees of not less than Five Thousand Five Hundred (\$5,500.00) Dollars per month.

**PLEASE TAKE FURTHER NOTICE**, that if you fail to interpose and establish any defense that you may have to the allegations of the Petition, you may be precluded from asserting such defense or the claim upon which it is based in any other proceeding or action.

**PLEASE TAKE FURTHER NOTICE,** that under Section 745 of the Real Property Actions and Proceedings Law, you may be required by the Court to make a rent deposit, or a rent payment to the petitioner, upon your second request for an adjournment or if the proceeding is not settled or a final determination has not been made by the Court within 30 days of the first court appearance. Failure to comply with an initial rent deposit or payment order may result in the entry of a final judgment against you without a trial. Failure to make subsequent required deposits or payments may result in an immediate trial on the issues raised in your answer.

**IN THE EVENT OF YOUR FAILURE TO ANSWER AND APPEAR, FINAL JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF DEMANDED IN THE PETITION.**

Dated: New York, New York  
July 3, 2007

151

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JACK BAER, Clerk of the Civil Court  
of the City of New York

**Green & Cohen, P.C.**  
Attorneys for Petitioner  
319 East 91<sup>st</sup> Street, Professional Suite  
New York, N.Y. 10128  
(212) 831-4400

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

-----X  
358 BROADWAY REALTY, LLC,

Petitioner-Landlord,

- against -

DEVA GINSBERG &  
ASHLEY GRANATA  
358 Broadway, Apt. #3A  
New York, New York 10013

Respondent-Tenant,

"JOHN/JANE DOE"

Respondents-Undertenants.

-----X

**Green & Cohen, P.C.**  
Attorneys for Petitioner  
319 East 91<sup>st</sup> Street, Professional Suite  
New York, New York 10128  
(212) 831-4400

To:

Attorney(s) for

*Service of a copy of the within*

*is hereby admitted.*

Date:

\_\_\_\_\_  
*Attorney (s) for*

PLEASE TAKE NOTICE

NOTICE OF ENTRY

that the within is a (certified) copy of a clerk of the within named Court on \_\_\_\_\_ entered in the office of the \_\_\_\_\_ 2001

NOTICE OF SETTLEMENT

that an Order, of which the within is a true copy, will be presented for the settlement to the Hon. one of the judges of the within named Court, at 111 Centre St. on \_\_\_\_\_ 2001, at \_\_\_\_\_ M

ATTORNEYS FOR:

**Green & Cohen, P.C.**

319 East 91<sup>st</sup> Street, Professional Suite  
New York, New York 10128  
(212) 831-4400

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

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358 BROADWAY REALTY, LLC,

Petitioner-Landlord,

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358 Broadway, Apt. #3A  
New York, New York 10013

Respondent-Tenant,

"JOHN/JANE DOE"

Respondents-Undertenants.

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The Petition of **358 BROADWAY REALTY, LLC**, Landlord, respectfully alleges, upon information and belief:

1. The Petitioner is the owner and landlord of the Premises, and is authorized to maintain this proceeding.
2. Respondents, **DEVA GINSBERG & ASHLEY GRANATA**, are the tenants of the Premises, having entered into possession under a now expired written rental agreement made heretofore. Respondents, "JOHN/JANE DOE" are the undertenants of Respondent, **DEVA GINSBERG & ASHLEY GRANATA**.
3. The Premises are described as follows: all rooms, **Apartment #3A**, in the Premises known as and located at **358 Broadway, New York, New York 10013**, which is located within the territorial jurisdiction of the Civil Court of the City of New York, County of New York.
4. The Respondent's tenancy was terminated pursuant to a Thirty Day Notice of Termination of Month to Month Tenancy. A copy of the Notice with Affidavit of service is annexed hereto and made a part hereof. Respondents have remained in possession without permission of the Landlord since the expiration of the term.
5. The apartment is not subject to the Rent Stabilization Law of 1969, as amended to date, nor is it subject to Rent Control. The reason the premises is not subject to rent regulation is that

it was high rent decontrolled.

6. The premises are a multiple dwelling, and pursuant to the Housing Maintenance Code, Article 41, there is a currently effective registration statement on file with the Office of Code Enforcement in which the owner has designated the managing agent named below, a natural person over the age of 21 years, to be in control of and responsible for the maintenance and operation of the dwelling:

Registered Address: 368 Broadway, New York, NY  
Registered Agent: Jerry Jacobs  
Multiple Dwelling Number: 141655

7. The respondents hold over and continue in possession of the premises without the permission of the landlord-petitioner, after the expiration of said term.

8. Petitioner lacks written information or Notice of any address where the Respondents reside in New York State, other than the address sought to be recovered.

9. Pursuant to the parties expired Lease, the Petitioner shall be entitled to legal fees as the prevailing party in this litigation.

10. Petitioner shall be entitled to a judgment for past due use and occupancy, at a rate to be determined by the Court.

WHEREFORE, Petitioner demands final judgment awarding possession of the Premises to Petitioner, issuance of a warrant to remove Respondents from possession thereof, fair value of use and occupancy of the Premises, and reasonable attorney's fees of not less than Two Thousand Five Hundred (\$2,500.00) Dollars, and costs and disbursements herein.

Dated: New York, New York  
July 3, 2007



358 BROADWAY REALTY, LLC  
Landlord

Green & Cohen, P.C.  
Attorneys for Petitioner  
319 East 91<sup>st</sup> Street, Professional Suite  
New York, N.Y. 10128  
(212) 831-4400

VERIFICATION

STATE OF NEW YORK }  
COUNTY OF NEW YORK} ss.:

The undersigned attorney for the petitioner, being duly sworn deposes and says as follows:

I am the attorney for the petitioner above named. I have read the foregoing Notice of Petition and Petition and know the contents thereof, and the same is true to my own knowledge, except as to those matters therein stated to be upon information and belief, and as to those matters, I believe them to be true. The basis of my belief is information contained in my files and conversations with my client. This Petition is signed by the attorney for the petitioner pursuant to sec. 3020(d) of the CPLR and sec. 741 of the Real Property Actions and Proceedings Law.

Dated: New York, New York  
July 3, 2007



---

Michael R. Cohen



B 307—Thirty Days Notice Terminating Monthly  
Tenancy or Tenancy from Month to Month: 8-82  
(In N.Y.C. serve in same manner as a Notice of Petition)

© 1976 BY JULIUS BLUMBERG, INC., PUBLISHER  
62 WHITE STREET, NEW YORK, N.Y. 10013

May 15, 2007

*Re: Premises:*

All rooms third floor side Apt. No. 3A  
at 358 Broadway, New York, New York 10013  
used for  Business  Dwelling purposes.

TO:

<input type="checkbox"/>	Tenant	and,	Undertenant*
Deva Ginsberg		Jane Doe	
358 Broadway, Apartment 3A		358 Broadway, Apartment 3A	
New York, New York		New York, New York 10013	

*First name of Tenant and/or Undertenant being fictitious and unknown  
to petitioner, person intended being in possession of the premises herein  
described*

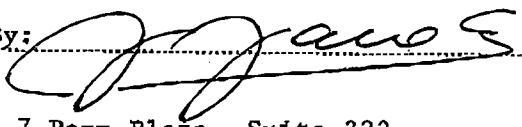
*or assigns, and every person in possession of the premises*

You are hereby notified that the Landlord elects to terminate your tenancy of the above described premises now held by you under monthly hiring. Unless you remove from the said premises on June 30, 2007

, the day on which your term expires, the Landlord will commence summary proceedings under the Statute to remove you from said premises for the holding over after the expiration of your term and will demand the value of your use and occupancy of the premises during such holding over.

Dated: New York, New York  
May 15, 2007

358 BROADWAY LLC Landlord

By:  Agent

7 Penn Plaza, Suite 222 Address  
New York, New York 10001

Form 14 - LET CONSPICUOUS PLACE SERVICE / MAILING

**BRILL & MEISEL, ESQS.**

ATTN:

COURT COUNTY

358 BROADWAY LLC.

PETITIONER

Index No.

Date Filed

Office No.

- against -

DEVA GINSBERG, JANE DOE

respondent

Court Date: 06/30/2007

STATE OF NEW YORK, COUNTY OF NEW YORK

:SS:

HARRY TORRES being duly sworn, deposes and says: that deponent is not a party to this proceeding, is over 18 years of age and resides in the State of New York. The property sought to be recovered is

358 BROADWAY, APT. 3A  
NEW YORK, NY 10013

On the 31st day of May, 2007 at 07:04 AM deponent served the within THIRTY DAY NOTICE

upon said respondent(s) to wit: DEVA GINSBERG, JANE DOE after prior attempt was made on 05/30/2007 12:39 PM 05/31/2007 07:04 AM / / by affixing a true copy thereof for each respondent upon a conspicuous part, to wit: the entrance door to said property. On all occasions deponent was unable to gain admittance thereat or to find a person of suitable age and discretion willing to receive same. Sworn to before me this

1st day of June, 2007tm

KENNETH WISSNER  
Notary Public, State of New York  
No. 01WI4714130  
Qualified in NEW YORK COUNTY  
Commission Expires 03/30/2010

  
HARRY TORRES 0915257

AETNA CENTRAL JUDICIAL SERVICES  
225 BROADWAY, SUITE 1802  
NEW YORK, NY, 10007  
Reference No: 5BM39619

STATE OF NEW YORK, COUNTY OF NEW YORK

JOEL GOLUB being duly sworn, deposes and says that deponent is not a party to this action, is over 18 years of age and resides in the State of New York.

That on the 31st day of May, 2007 deponent mailed other true copies thereof for each respondent enclosed in a postpaid properly addressed wrapper to respondent(s) at the property sought to be recovered which is respondent's residence or corporate respondents principal place of business by certified mail and by prepaid regular first class mail, and

by depositing the same in a Post Office mail depository at Church Street Station under the exclusive care and custody of the United States Post Office Department within the State, that being the last-known address of the respondent(s) as to which the petitioner had written information or notice in writing.

Sworn to before me this  
1st day of June 2007tm

KENNETH WISSNER  
Notary Public, State of New York  
No. 01WI4714130  
Qualified in NEW YORK COUNTY  
Commission Expires 03/30/2010

  
JOEL GOLUB 701893

AETNA CENTRAL JUDICIAL SERVICES  
225 BROADWAY, SUITE 1802  
NEW YORK, NY, 10007  
Reference No: 5BM39619

Form 14 - LET CONSPICUOUS PLACE SERVICE / MAILING  
**BRILL & MEISEL, ESQS.**

**ATTN:**

COURT COUNTY

358 BROADWAY LLC.

PETITIONER

Index No.

Date Filed .....

Office No.

- against -

DEVA GINSBERG, JANE DOE

respondent

Court Date: 06/30/2007

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

**HARRY TORRES** being duly sworn, deposes and says: that deponent is not a party to this proceeding, is over 18 years of age and resides in the State of New York.

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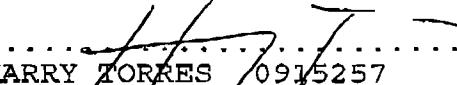
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225 BROADWAY, SUITE 1802

NEW YORK, NY, 10007

Reference No: 5BM39619

STATE OF NEW YORK, COUNTY OF NEW YORK

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by depositing the same in a Post Office mail depository at Church Street Station under the exclusive care and custody of the United States Post Office Department within the State, that being the last-known address of the respondent(s) as to which the petitioner had written information or notice in writing.

Sworn to before me this

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KENNETH WISSNER

Notary Public, ~~State of~~ New York

No. 01WI4714130

Qualified in NEW YORK COUNTY

Commission Expires 03/30/2010

  
JOEL GOLUB 701893

AETNA CENTRAL JUDICIAL SERVICES

225 BROADWAY, SUITE 1802

NEW YORK, NY, 10007

Reference No: 5BM39619

<b>U.S. POSTAL SERVICE CERTIFIED MAIL RECEIPT</b>	
(Priority Mail Only. Not Insured)	
For delivery information visit <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL</b>	
Postage	\$ 6
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	49 /B/H <b>3.06</b>

Send To: JANE DUE  
353 BROADWAY, APT. 3A  
NEW YORK, NY 10013  
City, St.

Postmark Here

<b>U.S. POSTAL SERVICE CERTIFIED MAIL RECEIPT</b>	
(Priority Mail Only. Not Insured)	
For delivery information visit <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL</b>	
Postage	\$ 6
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

7005 0390 0000 8022 9647  
Ser DEVA GINSBERG, █  
353 BROADWAY, APT. 3A  
or NEW YORK, NY 10013  
City

**3.06**

Postmark Here

Postmark Here



B 307—Thirty Days Notice Terminating Monthly  
Tenancy or Tenancy from Month to Month: 8-82  
(In N.Y.C. serve in same manner as a Notice of Petition)

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62 WHITE STREET, NEW YORK, N.Y. 10013

May 15, 2007

*Re: Premises:*

All rooms third floor side Apt. No. 3A  
at 358 Broadway, New York, New York 10013  
used for  Business  Dwelling purposes.

TO:

<input type="checkbox"/>	Tenant	and,	Undertenant*
	Ashley Granata	Jane Doe	
	358 Broadway, Apartment 3A	358 Broadway, Apartment 3A	
	New York, New York	New York, New York 10013	

*or assigns, and every person in possession of the premises*

*You are hereby notified that the Landlord elects to terminate your tenancy of the above described premises now held by you under monthly hiring. Unless you remove from the said premises on June 30, 2007*

*, the day on which your term expires, the Landlord will commence summary proceedings under the Statute to remove you from said premises for the holding over after the expiration of your term and will demand the value of your use and occupancy of the premises during such holding over.*

*First name of Tenant and/or Undertenant being fictitious and unknown to petitioner, person intended being in possession of the premises herein described*

Dated: New York, New York  
May 15, 2007

358 BROADWAY LLC ..... *Landlord*

By:  ..... *Agent*

7 Penn Plaza, Suite 222 ..... *Address*  
New York, New York 10001

Form 14 - L&T CONSPICUOUS PLACE SERVICE / MAILING  
BRILL & MEISEL, ESQS.

ATTN:

COURT COUNTY

358 BROADWAY LLC.

PETITIONER

Index No.

Date Filed .....

Office No.

- against -

respondent

ASHLEY GRANATA

JANE DOE

Court Date: 06/30/2007

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:  
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to this proceeding, is over 18 years of age and resides in the State of New York.  
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NEW YORK, NY 10013

On the 31st day of May, 2007 at 07:04 AM deponent served the within  
THIRTY DAY NOTICE

upon said respondent(s) to wit: ASHLEY GRANATA

JANE DOE

after prior attempt was made on 05/30/2007 12:39 PM 05/31/2007 07:04 AM / /  
by affixing a true copy thereof for each respondent upon a conspicuous part, to wit: the  
entrance door to said property. On all occasions deponent was unable to gain admittance  
thereat or to find a person of suitable age and discretion willing to receive same.

Sworn to before me this  
1st day of June, 2007tm

KENNETH WISSNER  
Notary Public, State of New York  
No. 01WI4714130

Qualified in NEW YORK COUNTY  
Commission Expires 03/30/2010

HARRY TORRES 0915257  
AETNA CENTRAL JUDICIAL SERVICES  
225 BROADWAY, SUITE 1802  
NEW YORK, NY, 10007  
Reference No: 5BM39623

STATE OF NEW YORK, COUNTY OF NEW YORK

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to this action, is over 18 years of age and resides in the State of New York.

That on the 31st day of May, 2007 deponent mailed other true copies thereof  
for each respondent enclosed in a postpaid properly addressed wrapper to respondent(s)  
at the property sought to be recovered which is respondent's residence or corporate respondents  
principal place of business by certified mail and by prepaid regular first class mail, and

by depositing the same in a Post Office mail depository at Church Street Station under  
the exclusive care and custody of the United States Post Office Department within the  
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Sworn to before me this  
1st day of June 2007tm

KENNETH WISSNER  
Notary Public, State of New York  
No. 01WI4714130

Qualified in NEW YORK COUNTY  
Commission Expires 03/30/2010

JOEL GOLUB 701893  
AETNA CENTRAL JUDICIAL SERVICES  
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ATTN:

COURT COUNTY

358 BROADWAY LLC.

PETITIONER

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- against -

ASHLEY GRANATA

respondent

Court Date: 06/30/2007

JANE DOE

STATE OF NEW YORK, COUNTY OF NEW YORK

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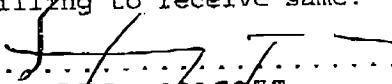
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HARRY TORRES 0915257  
AETNA CENTRAL JUDICIAL SERVICES  
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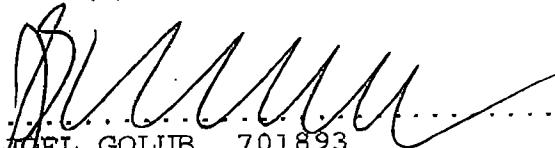
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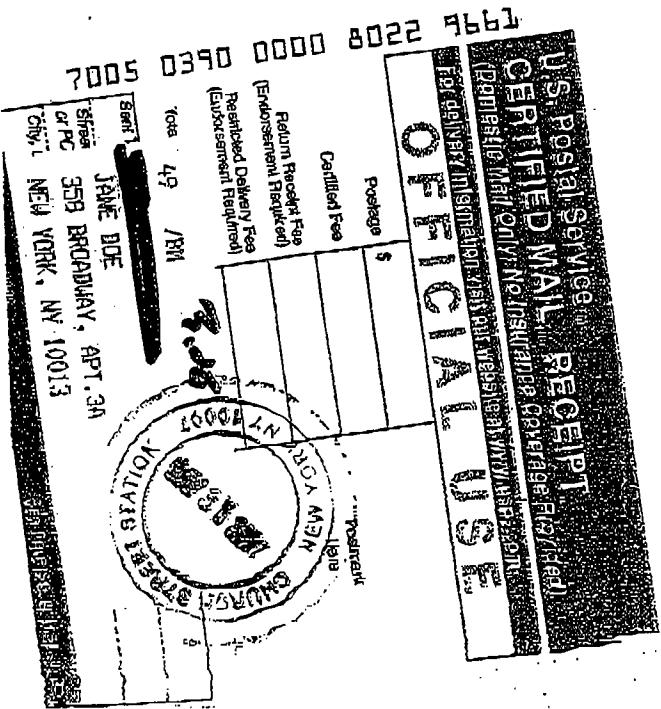
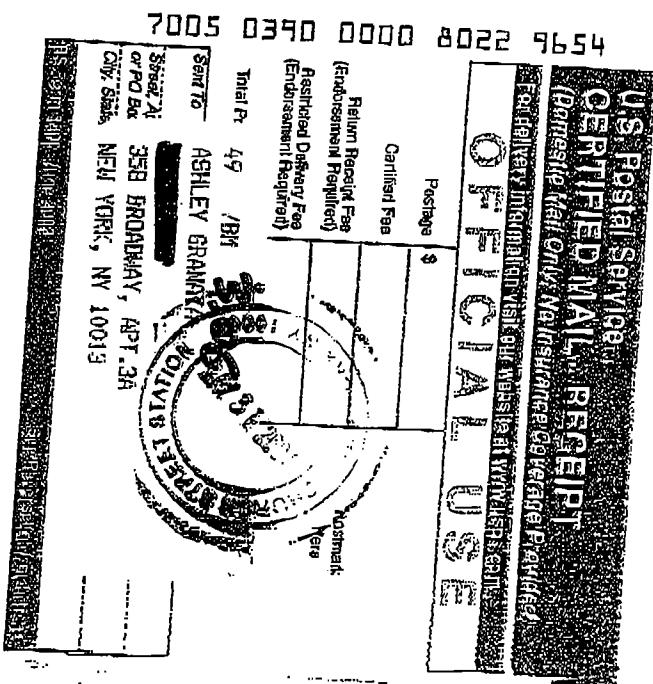
1st day of June 2007tm

KENNETH WISSNER  
Notary Public, State of New York

No. 01WI4714130

Qualified in NEW YORK COUNTY  
Commission Expires 03/30/2010

  
JOEL GOLUB 701893  
AETNA CENTRAL JUDICIAL SERVICES  
225 BROADWAY, SUITE 1802  
NEW YORK, NY, 10007  
Reference No: 5BM39623



CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

X

358 BROADWAY REALTY, LLC.

Index No. L&amp;T \_\_\_\_\_ /07

Petitioner-Landlord,

- against -

PETITION

(Residential Holdover)

DEVA GINSBERG &  
ASHLEY GRANATA  
358 Broadway, Apt. #3A  
New York, New York 10013

Respondent-Tenant,

"JOHN/JANE DOE"

Respondents-Undertenants.

X

**Green & Cohen, P.C.**  
Attorneys for Petitioner  
319 East 91<sup>st</sup> Street, Professional Suite  
New York, New York 10128  
(212) 831-4400

To:  
Attorney(s) for*Service of a copy of the within*  
*Date:*

is hereby admitted.

*Attorney (s) for*

## PLEASE TAKE NOTICE

 NOTICE OF ENTRY

that the within is a (certified) copy of a clerk of the within named Court on

entered in the office of the

2001

 NOTICE OF SETTLEMENT  
ATTORNEYS FOR:

that an Order, of which the within is a true copy, will be presented for the settlement to the Hon. one of the judges of the within named Court, at 111 Centre St. on

2001, at M

Green & Cohen, P.C.  
319 East 91<sup>st</sup> Street, Professional Suite  
New York, New York 10128  
(212) 831-4400